

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 39 Ill Reg 14480) and Voluntary Registration and Recognition of Nonpublic Schools (23 IAC 425; 39 Ill Reg 14491), both effective 3/2/16, implementing Public Act 99-480. Both rulemakings authorize school nurses or other trained personnel to administer an opioid antagonist (medication that counteracts the effects of heroin or other opioid drugs) to any person whom the nurse or trained person has reason to believe is experiencing an opioid overdose. It also specifies additional training requirements for nurses or other personnel who administer opioid antagonists. The Part 425 rulemaking also extends to nonpublic schools, as a condition of SBE recognition,

the same requirements for use of undesignated epinephrine auto-injectors and implementation of concussion policies that currently apply to public schools.

SBE adopted amendments to Educator Licensure (23 IAC 25; 39 Ill Reg 13933), effective 3/2/16, implementing a number of recent Public Acts. The rulemaking requires student teachers at public schools and SBE-recognized nonpublic schools to undergo fingerprint-based criminal background checks and have their names checked against the Statewide Sex Offender Database and the Violent Offender Against Youth Database. Licensure criteria are also established for persons who hold degrees from outside Illinois. With regard to license renewals, passage of the test of basic skills will be required only

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Proposed Rulemakings

■ WASTE DISPOSAL

The POLLUTION CONTROL BOARD proposed amendments to the following 10 Parts, implementing changes to federal law: RCRA Permit Program (35 IAC 703; 40 Ill Reg 3836); Hazardous Waste Management System: General (35 IAC 720; 40 Ill Reg 3850); Identification and Listing of Hazardous Waste (35 IAC 721; 40 Ill Reg 3930); Standards Applicable to Generators of Hazardous Waste (35 IAC 722; 40 Ill Reg 4280); Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 724; 40 Ill Reg 4289); Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 725; 40 Ill Reg 4392); Standards for the Management of

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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for persons who received provisional licenses, or licenses with stipulations, as career and technical educators on or after 1/1/15. Additional entities that SBE has approved to provide professional development to licensees are added.

SBE also adopted amendments to Regional Offices of Education and Intermediate Services (23 IAC 525; 39 Ill Reg 14502), effective 3/2/16, removing an obsolete School Code requirement that the 10 smallest ROEs in Illinois work in cooperation with larger ROEs to provide programs and services. SBE states that consolidation of ROEs in recent years has made this requirement unnecessary and prompted its removal from statute.

Questions/requests for copies of the 4 SBE rulemakings: Part 1, David Andel (217/782-5589) and Part 25, Jason Helfer (217/557-6763), SBE, 100 N. First St., Springfield IL 62777. Part 425, Melina Wright, and Part 525, Jeff Aranowski, SBE, 100 W. Randolph, Suite 14-300, Chicago IL 60601, 312/814-2220.

■ RADIOACTIVE MATERIAL

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted a new Part titled Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material (32 IAC 337; 40 Ill Reg 1), effective 2/26/16, to codify various rules promulgated

by the U.S. Nuclear Regulatory Commission (NRC) regarding protection of radioactive material from theft, diversion and other criminal activity. The new Part formally establishes security requirements for licensees that use or transport category 1 or category 2 radioactive materials (defined by type of material and radioactivity thresholds contained in an appendix). Licensees that possess material exceeding the category 2 threshold must implement access authorization requirements (e.g., FBI background investigations) to insure that any personnel who handle such material are trustworthy and reliable. Access authorizations must be renewed, with new background checks, at least every 10 years. Persons exempt from these requirements include persons with active federal security clearances, certain State and federal government officials, law enforcement and emergency response personnel. Licensees must also develop written security plans for their facilities and operations, provide initial training for their personnel and provide refresher training every 12 months or whenever a significant change is made to the security plan. Other provisions address security zones for radioactive material, monitoring and detection procedures, security program reviews, reporting of events, advance notification of radioactive material shipments, and physical protection of material while in transit. Since 1st Notice,

references to “sabotage” of materials have been changed to “loss”. Those affected by this rulemaking include local emergency management agencies and facilities which produce, collect or transport radioactive material.

IEMA GRANT INFORMATION

IEMA also adopted amendments to Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises (32 IAC 501; 40 Ill Reg 4901), effective 3/2/16, updating the contact information and bureau name of the agency contact for grantees.

Questions/requests for copies of the 2 IEMA rulemakings: Traci Burton, IEMA, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9860, fax 217/524-3698.

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to Air Quality Standards (35 IAC 243; 40 Ill Reg 152), effective 3/3/16, aligning the rules in this Part to federal National Ambient Air Quality Standards (NAAQS) amendments adopted by the US Environmental Protection Agency between 1/1/15 and 11/19/15. These amendments revise sunset provisions for the 1997 ozone NAAQS; designate new reference methods for fine particulates, coarse particulates,

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Proposed Rulemakings

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Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 IAC 726; 40 Ill Reg 4515); Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit (35 IAC 727; 40 Ill Reg 4570); Land Disposal Restrictions (35 IAC 728; 40 Ill Reg 4611); and Standards for Universal Waste Management (35 IAC 733; 40 Ill Reg 4827). Since these amendments are identical in substance to US Environmental Protection Agency regulations they are exempt from JCAR review under the Illinois Administrative Procedure Act, but PCB will accept public comments on these rulemakings. Those affected by these rulemakings include operators of landfills and other waste disposal sites, as well as waste transporters.

New Rules

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ozone and carbon monoxide; update the list of designated methods for testing air quality; and lower the NAAQS ozone standard from 75 to 70 parts per billion.

Questions/requests for copies: Michael McCambridge, PCB, 100 W. Randolph, Suite 11-500, Chicago IL 60601, 312/814-6924, michael.mccambridge@illinois.gov. Please reference docket R16-2.

Comments through 5/2/16: John T. Therriault, Clerk, PCB, 100 W. Randolph St., Suite 11-500, 100 W. Randolph, Chicago IL 60601, John.Therriault@Illinois.gov or via the Clerk's Office On-Line (COOL) at <http://www.ipcb.state.il.us/cool/external/FilingIntro.aspx>. Questions: Michael J. McCambridge, 312/814-6924 or Michael.Mccambridge@illinois.gov. Copies of the rulemaking and all related documents and public comments can be accessed through COOL at <http://www.ipcb.state.il.us>. Please reference PCB Docket No. R16-7.

■ SECURITIES

The SECRETARY OF STATE proposed an amendment to Regulations under the Illinois

Securities Law of 1953 (14 IAC 130; 40 Ill Reg 4835) establishing registration requirements for crowdfunding Internet portals (online sites through which any interested person may invest in a new or expanding business venture) and setting a \$300 filing fee. Additionally, Internet portals must keep records for 5 years, provide communications channels and provide notice of investment commitment. Businesses engaged in crowdfunding are affected by this rulemaking.

Questions/requests for copies/comments on through 5/2/16: Tanya Solov, SOS Department of Securities, 69 W. Washington St., Suite 1220, Chicago IL 60602, tsolov@ilsos.net

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's April 12, 2016 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF PUBLIC HEALTH

Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 IAC 515; 39 Ill Reg 14321) proposed 11/6/15

Control of Communicable Diseases Code (77 IAC 690; 40 Ill Reg 1484) proposed 1/22/16